

Appl. No. 09/416,757  
Amtd. Dated January 16, 2004  
Reply to Office action of November 17, 2003  
Attorney Docket No. P12128-2/040010-440  
EUS/J/P/04-6009

### REMARKS/ARGUMENTS

#### 1.) Amendments

The Applicants have amended Claim 1; Claims 5-7 and 16-19 have been previously cancelled. Accordingly, Claims 1-4 and 8-15 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### 2.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected Claims 1-4, 8, 9, 11 and 13 under 35 U.S.C. 102 (e) as being anticipated by United States Patent No. 6,477,644 issued to Turunen (Turunen). Applicant believes the Examiner has maintained the previous rejections issued on August 6, 2003 by stating that Applicant's responses thereto were not persuasive. In rejecting Applicant's argument that the prior art of record does not teach or suggest "receiving packets, associated with a first session over a first connection in a first data communication network wherein said first connection is handled by a first gateway," the Examiner stated that

"[h]owever, the Examiner contends that the prior art of record does indeed disclose this limitation. The prior art (Turunen) does teach that the functionality of the home agent is "off" while the mobile host is within its home area, however, Turunen also discloses the path of information (FIG. 1) traveling though the Home Agent to the destination, or in other words serving to forward the information. The Examiner contends that this forwarding constitutes a "handling" of the first connection, because without the Home Agents forwarding

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capability the information could not be transmitted or received by the mobile host." (Pending Office Action, Page 8, lines 4-10, emphasis added)

Applicant extremely appreciates the Examiner's remarks and has further amended independent Claim 1 to more clearly and distinctly claim the subject matter which Applicant believes as his invention and to further distinguish over Turunen. As described by the Examiner, the Home Agent in Turunen is turned "off" while the mobile host is within its home area. However, when the mobile host is traveling outside of its home area, the Home Agent is turned "on" and is used for forwarding incoming information to the traveling mobile host. As a result, even though the Home Agent is involved in forwarding or handling the information when the mobile host is traveling outside of its home network, it is not active or turned "on" while the mobile host is traveling within its home area.

Accordingly, even though Applicant still disagrees with the Examiner's statement that Turunen's home agent and foreign agent are equivalent to the presently claimed first gateway and second gateway, Turunen explicitly stated that, in the event the "mobile host is registered with its home network, the functionality of the network's home agent is off for that host so that the home agent does not alter the flow of diagram from the internet to the network's router and the mobile host." (Turunen, Col. 2, lines 18-23).

On the other hand, now amended independent Claim 1 of the present application recites a first gateway within the first data communication network handling a first connection for receiving all packets associated with a particular session regardless of whether said mobile station is traveling within said first or second data communications

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networks. As a result, even if the mobile station is traveling within its first data communication network (home network), the first gateway (home agent) would still be receiving and handling all packets. In the event the mobile station travels out of the first network (home network) and into the second network (remote network), the first gateway would then route the received packets over an established tunnel with a second gateway associated with the second data communication network. Applicant therefore submits that Turunen fails to disclose or teach a first gateway within a first data communication network receiving and handling all packets regardless of whether the mobile station is presently traveling within a first or second network. Applicant respectfully submits that Turunen actually teaches away from this novel invention by disclosing that the home agent is actually turned "off" and not functioning when the mobile host is within its home network.

#### 4.) Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claim 14 under 35. U.S.C § 103(a) as being unpatentable over Turunen in view of Caceres et al ("Fast and Scable Wireless Handoffs in Support of Mobile Internet Audio"). Applicant respectfully submits that claim 14 is dependent on now allowable independent Claim 1 and recites an additional limitation thereto. Allowance of Claim 1 and its dependent claims are respectfully requested.

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### **CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for Claims 1-4 and 8-15.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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